
Changes to Pharmaceutical Services

Report being considered by: Health and Wellbeing Board

On: 12 September 2024

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Report Sponsor: Dr Matt Pearce

Item for: Decision



1. Purpose of the Report

This report provides details of recent and planned changes to pharmaceutical services in West Berkshire and advises the Health and Wellbeing Board on the implications for the West Berkshire Pharmaceutical Needs Assessment.

2. Recommendations

The Health and Wellbeing Board is asked to:

- (a) Note that the application offering unforeseen benefits at Gaywood Drive Shops, Newbury, RG14 2PR by Bolcer Ltd has been approved; and
- (b) Note that the application offering unforeseen benefits at Kingsland Centre, The Broadway, Thatcham RG19 3HN by LP SD One Hundred Seven Limited has been refused.
- (c) Note that the decision is being appealed and resolve to respond that the Board has nothing to add to the comments previously submitted, which remain applicable and relevant, and that NHS Resolution are requested to have regard to those comments when determining the appeal.

3. Executive Summary

3.1 The West Berkshire Health and Wellbeing Board has a duty to keep its Pharmaceutical Needs Assessment (PNA) under review in the light of any notifications of changes in provision of pharmaceutical services within the district.

3.2 As a statutory consultee, the Health and Wellbeing Board is invited to submit comments on applications for new pharmacies.

3.3 This report provides updates on the unforeseen benefits applications for new pharmacies at the following locations:

- Application offering unforeseen benefits at Gaywood Drive Shops, Newbury, RG14 2PR by Bolcer Ltd;
- Application offering unforeseen benefits at Kingsland Centre, The Broadway, Thatcham RG19 3HN by LP SD One Hundred Seven Limited.

4. Supporting Information

Background

- 4.1 The Health and Social Care Act 2012 established health and wellbeing boards and made them responsible for developing and updating PNAs from 1 April 2013. The NHS Act 2006, amended by the Health and Social Care Act 2012, sets out the requirement for health and wellbeing boards to develop and update PNAs. The NHS (Pharmaceutical Services and Local Pharmaceutical Services) Regulations 2013, as amended, set out the minimum information that must be contained within a PNA and outline the process that must be followed in its development.
- 4.2 PNAs are used and referred to by those wishing to open a new pharmacy or dispensing appliance contractor premises. They are used by NHS England and NHS Improvement to determine applications, and NHS Resolution refers to them when applications go to appeal.
- 4.3 Following publication of a PNA, health and wellbeing boards must assess the impacts of any changes in provision of pharmaceutical services in their area and determine whether the changes warrant refreshing the PNA, or publishing a supplementary statement to the existing PNA, in accordance with national guidance and legislation, or if no action is required because the changes do not create a gap in provision.
- 4.4 Any application for a new pharmacy in a location where a gap in provision has not been identified is known as an 'unforeseen benefits application', on the basis that it was not included within the PNA and no significant gap in provision has been identified within the PNA or a subsequent supplementary statement.

Unforeseen Benefits Applications – Gaywood Drive Shops, Newbury, and Kingsland Centre, Thatcham

- 4.5 A notification was received on 13 March 2024 from Primary Care Support England (PCSE), which administers applications on behalf of NHS England, advising of an unforeseen benefits application by Bolcer Ltd for a new pharmacy at Gaywood Drive shops in Newbury.
- 4.6 PCSE advised that this should be considered alongside the unforeseen benefits application by LP SD One Hundred Seven Ltd for a new pharmacy at the Kingsland Centre in Thatcham, for which notification had been received on 27 December 2023.
- 4.7 As a statutory consultee, the Health and Wellbeing Board was invited to submit comments on these applications. They were considered by Pharmaceutical Needs Assessment Sub-Committee on 17 April 2024, which resolved to write to PCSE in support of both applications. The Council's response is included in Appendix A.
- 4.8 On 19 July 2024, confirmation was received from PCSE that the application for Gaywood Drive had been approved, but the application for Kingsland Centre had been refused. A copy of the decision report is provided within Appendix B.
- 4.9 On 3 September 2024, notification was received that the above decision was the subject of an appeal. NHS Resolution will need to determine whether it is satisfied that granting the application (or granting it in respect of some only of the services specified in it) would secure improvements, or better access, to pharmaceutical services in West Berkshire. A copy of the correspondence is included in Appendix C.

- 4.10 The Board has been asked to submit evidence relevant to any of the matters set out below. NHS Resolution will proceed on the basis of the information provided by the parties and determine the appeal accordingly.
- 4.11 In relation to Regulation 18, the matters to which consideration will be given are whether:
- (a) granting the application would cause significant detriment to -
 - (i) proper planning in respect of the provision of pharmaceutical services in the Health and Wellbeing Board area; or
 - (ii) the arrangements which NHS England has in place for the provision of pharmaceutical services in the Health and Wellbeing Board area;
 - (b) notwithstanding that the improvements or better access were not included in the pharmaceutical needs assessment, granting the application would confer significant benefits on persons in the area (which were not foreseen when the pharmaceutical needs assessment was published), having regard to the desirability of -
 - (i) there being a reasonable choice with regard to obtaining pharmaceutical services in the area of the Health and Wellbeing Board;
 - (ii) people who share a protected characteristic (as listed in section 149(7) of the Equality Act 2010 - age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity) having access to services that meet specific needs for pharmaceutical services that, in the area of the Health and Wellbeing Board, are difficult for them to access, or
 - (iii) there being innovative approaches taken with regard to delivery of pharmaceutical services.

5. Options Considered

- 5.1 The Board provided comments that addressed the above matters in response to the original applications. The Board supported both applications on the grounds that they would provide better access to pharmaceutical services for residents that were not foreseen when the PNA was published.
- 5.2 The Board could respond to say that it has nothing to add to the comments previously submitted, which remain applicable and relevant, and that NHS Resolution are requested to have regard to those comments when determining the appeal.
- 5.3 Alternatively, the Board could choose to make additional comments in response to any matters raised by the appellant.

6. Proposals

It is proposed that the Board should note the decisions in relation to the two unforeseen benefits applications, and the subsequent appeal. It is also proposed that the Board should resolve that it has nothing to add to the comments previously submitted, which remain applicable and relevant, and request that NHS Resolution have regard to those comments when determining the appeal.

7. Conclusion(s)

The changes in pharmaceutical services have been assessed in accordance with national guidance and relevant legislation. The proposal will ensure that NHS Resolution is aware of the Board's views and can take these into account when determining the appeal.

8. Consultation and Engagement

Local ward councillors have been informed of the changes to pharmaceutical services outlined in this report.

9. Appendices

Appendix A – West Berkshire Health and Wellbeing Board representation in relation to applications offering unforeseen benefits at Gaywood Drive, Newbury, RG14 2PR by Bolcer Ltd and Kingsland Centre, The Broadway, Thatcham RG19 3HN by LP SD One Hundred Seven Limited

Appendix B – Decision Report of the Pharmaceutical Services Regulations Committees meeting in common for: Buckinghamshire, Oxfordshire and Berkshire West ICB, Hampshire & IoW ICB & Frimley ICB, 26th June 2024

Appendix C – Appeal documentation relating to Bolcer Limited – application for inclusion in the pharmaceutical list offering unforeseen benefits at Gaywood Drive Shops, Newbury, RG14 2PR

Background Papers:

[West Berkshire Pharmaceutical Needs Assessment 2022-2025](#)

[Pharmaceutical Needs Assessments: Information pack for local authority health and wellbeing boards, DHSC, October 2021](#)

[Pharmaceutical Needs Assessment Sub-Committee Agenda and Minutes, 17 April 2024](#)

Health and Wellbeing Priorities Supported:

The proposals will support the following Health and Wellbeing Strategy priorities:

- Reduce the differences in health between different groups of people
- Support individuals at high risk of bad health outcomes to live healthy lives
- Help families and young children in early years
- Promote good mental health and wellbeing for all children and young people
- Promote good mental health and wellbeing for all adults

The proposals contained in this report will support the above Health and Wellbeing Strategy priorities by ensuring that there are sufficient pharmaceutical services in the District to meet the needs of the local population.
